

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

RICHARD HERSHY,)
Plaintiff,)
vs.) Case No. 2:20-cv-04239-MDH
THE CURATORS OF THE UNIVERSITY)
OF MISSOURI, et al.,)
Defendants.)

ORDER

Before the Court is Plaintiff's Motion to Alter or Amend the Judgment under Rule 59(e).

On August 24, 2023, this Court granted Defendants' Motion for Summary Judgment. Plaintiff's current Motion seeks reversal of this Court's order granting summary judgment to Defendants. Defendants responded in opposition to Plaintiff's Rule 59(e) Motion. Plaintiff's reply was due October 19, 2023, though Plaintiff failed to reply. For reasons herein, Plaintiff's Rule 59(e) Motion is **DENIED**.

The Eighth Circuit held, "Federal Rule of Civil Procedure 59(e) was adopted to clarify a district court's power to correct its own mistakes in the time period immediately following entry of judgment." *Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of the Black Hills*, 141 F.3d 1284, 1286 (8th Cir. 1998) (citations omitted). Motions under Rule 59(e) may only correct manifest errors or present newly discovered evidence. *Id.* Plaintiffs may not rely on Rule 59(e) to introduce new evidence or raise new arguments or theories. *Id.*

Here, Plaintiff's Rule 59(e) Motion introduces no newly-discovered evidence, nor does it highlight any mistakes of law in this Court's most recent dismissal order. (Doc. 110). Rather, Plaintiff continues to reassert legal arguments this Court previously considered. Plaintiff's Motion simply refers to this Court's prior order granting summary judgment as a "manifest error of law" without offering authority in support. Therefore, Plaintiffs' Motion to Reconsider under Rule 59(e) is **DENIED**.

IT IS SO ORDERED.

Dated: November 1, 2023

/s/ Douglas Harpool

DOUGLAS HARPOOL
United States District Judge